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United States Senate

WASHINGTON, DC 20510-3703

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Dr. Anthony Tether  
Director  
Defense Advanced Research Projects Agency  
3701 N. Fairfax Drive  
Arlington, Virginia 22203-1714

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Dear Dr. Tether:

I very much appreciate the detailed *Report to Congress Regarding the Terrorism Information Awareness (TIA) Program* I received on May 20, 2003, and the amount of time and effort that went into the report.

Your report states that "the TIA Program is not attempting to create or access a centralized database that will store information gathered from various publicly or privately held databases." Nonetheless, it is clear that the TIA Program will access any number of such databases and then sort through the information. Accordingly, I remain very deeply concerned that TIA technology will be used to plow through large amounts of private information on individual Americans in the United States in search of hypothetical threat situations. If TIA technology were to be used solely for investigations of suspected terrorists in the U.S. based on verified intelligence, the law requires an amendment to then ensure that Americans' privacy concerns are fully addressed and civil liberties fully protected in any use of TIA technology. Specifically, after reviewing the report, as well as responses to the report from interested parties, I am left with several questions to which I would appreciate your answers:

- On page 3, the report notes that TIA will use, for research and testing purposes, "foreign intelligence and counterintelligence information legally obtained and usable by Federal Government under existing law...." There is a wide range of data that is legally obtainable by the federal government, including data that can be subpoenaed for the purpose of terrorism investigations and consumer data that can be purchased from private companies. Specifically, what types of data does the Information Awareness Office (IAO) intend to obtain for research and testing for TIA, how will it be obtained and protected, and do you intend to notify Congress of your intentions?
- In the description of the Scalable Social Network Analysis on page 9, it explains that connection types to be analyzed include "social interaction, financial transactions, and telephone calls." What information does "financial transactions" include? Does it include credit card activity, ATM activity, wire transfers, loan applications,

and/or credit reports? Will this information be obtained for U.S. persons? What privacy protections will be in place for this information?

- The Next Generation Face Recognition program will be tested with “experimentation on databases of at least one million individuals.” Will U.S. persons be included in this database? Will inclusion be voluntary or involuntary? Will U.S. persons be notified in advance that they will be included? What other nationalities will be included in this database of at least one million people?
- What is the definition of “open source” information? Does it include all information in the public domain? Does it include information available for purchase? Please provide specific examples of such information available for purchase.
- In the list of technical goals to be measured on page 15, what is the rationale for not including the accuracy and precision of TIA tools?
- Will you make available to Congress and the public any and all pre-deployment legal reviews that are produced for each component of TIA, as well as the memoranda of agreement between TIA and each component?
- TIA has been described in your report as a “program of programs.” Some of the programs involved in the creation of TIA as an overall working system have been relegated to a “secondary concern” status in the report’s appendix. It is clear that these programs will be used in the making of the TIA system. What are the expenditure plans and schedules for these programs?
- The description of the FutureMap program is especially interesting. FutureMAP seems to involve two efforts already underway. The first effort includes a “small number of invited participants,” while the second effort includes a set of markets with a “wide range” of involvement. As FutureMAP develops, how wide will the wide range of involvement extend, and will participants need to be considered experts in order to participate? How much has been spent on FutureMAP so far?
- I appreciate the formation of the Technology and Privacy Advisory Committee (TAPAC) in part to address the issues of privacy and civil liberties threatened by TIA. What processes have been put in place to ensure that the concerns of TAPAC are addressed by DARPA and the Department of Defense?
- The report mentions an internal oversight board that “will examine the various tools in light of existing privacy protection laws and policies and recommend appropriate program modifications to DARPA.” This board consists of “senior DoD and Intelligence Community officials.” How often will this board meet and will it issue public reports? Moreover, how does this board fit into the oversight picture with regard to TAPAC? Will this internal board’s recommendations be given the same weight as TAPAC’s, or will this internal board be the true driving force behind policy decisions involving privacy and civil liberties?
- Your report states “...TIA is conceived of as simply a tool...” and that data inaccuracies are not truly a concern. I am concerned that a tool providing decision-makers with information obtained without consideration for inaccuracies is begging for bad decisions to be made - decisions that may jeopardize the lives of individual Americans. How will DARPA ensure that inaccurate inputs are eliminated or minimized and that they do not result in inaccurate intelligence?

Again, I very much appreciate your continuing cooperation, and the significant effort put into the report. I look forward to receiving your answers to these questions in a timely manner.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ron Wyden". The signature is written in dark ink and is positioned above the printed name.

Ron Wyden